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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 VERNON WAYNE McNEAL,

11 Plaintiff,

No. 2:05-cv-0441 GEB EFB P

12 vs.

13 EVERT, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42  
17 U.S.C. § 1983. On January 18, 2013, the assigned magistrate judge issued findings and  
18 recommendations recommending that defendants' motion for summary judgment be granted in  
19 part and denied in part. Dckt. No. 145. The findings and recommendations provided the parties  
20 14 days to file objections thereto. Id. No objections having been filed, the court adopted the  
21 magistrate's recommendations on February 21, 2013. Dckt. No. 146. Four days later, plaintiff  
22 filed a motion for an extension of time to file his objections. Dckt. No. 147. Because the court  
23 had already adopted the recommendations, the magistrate judge denied the motion for more time  
24 as moot. Dckt. No. 148. Plaintiff now seeks reconsideration of the magistrate judge's denial of  
25 his motion for an extension of time. Dckt. No. 150.

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1 Plaintiff declares that, because he was out to court, he did not receive the findings and  
2 recommendations until February 20, 2013. Id. at 2. Because plaintiff has shown that he could  
3 not have timely objected to the findings and recommendations despite his diligence, the court  
4 will vacate the order dated February 21, 2013. Plaintiff shall have 14 days from the date of this  
5 order to file objections to the January 18, 2013 findings and recommendations.

6 So ordered.

7 Dated: April 5, 2013

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10 GARLAND E. BURRELL, JR.  
11 Senior United States District Judge  
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